

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEVIN M. DECKER,

Petitioner,

vs.

CITY OF PORT ORCHARD; the CITY
COUNCIL OF PORT ORCHARD;
CAROLYN POWERS; FRED CHANG and
JANE DOE CHANG, husband and wife; JIM
COLEBANK and JANE DOE COLEBANK,
husband and wife; FRED OLIN and JANE
DOE OLIN, husband and wife; JERRY
CHILDS and JANE DOE CHILDS, husband
and wife;

Defendants.

NO. C09-5000

KITSAP COUNTY SUPERIOR
COURT CAUSE NO. 08-2-03060-3

ORDER BIFURCATING AND
REMANDING STATE CLAIM

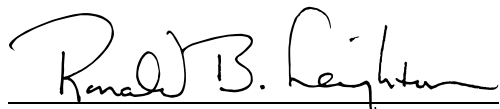
THIS COURT having considered the parties' Stipulated Bifurcation and Remand of
State Claims, hereby finds that:

The parties have stipulated to a bifurcation and remand of Petitioner's Land Use
Petition Act (LUPA) claim back to Kitsap County Superior Court which has concurrent
subject matter jurisdiction over Petitioner's LUPA claim.

1 **ORDER**

2 It is hereby **ORDERED** and **ADJUDGED** that this case is bifurcated, and
3 Petitioner's Land Use Petition Act (LUPA) cause of action under RCW 36.70C is
4 remanded to Kitsap County Superior Court, State of Washington, which has concurrent
5 subject matter jurisdiction; provided that, this Court has original jurisdiction over
6 Petitioner's causes of action that are cognizable under 42 U.S.C. §§ 1983 and 1988, which
7 claims shall proceed in this District Court.
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10 **DATED** this 2nd day of February, 2009.
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15 RONALD B. LEIGHTON
16 UNITED STATES DISTRICT JUDGE

17 Presented by:

18 **SHERRARD & McGONAGLE, P.S.**

19 **MORRIS & TARADAY, P.C.**

20 /s/ _____
21 Matthew A. Lind, WSBA # 37179
22 Attorney for Petitioner Kevin Decker
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/s/ _____
Carol A. Morris, WSBA #19241
Attorney for Defendants